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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,685	06/27/2003	Brandon Burrell	60046.0055USU1	8303
53377 7590 01/08/2008 HOPE BALDAUFF HARTMAN, LLC 1720 PEACHTREE STREET, N.W SUITE 1010 ATLANTA, GA 30309				
EXAMINER				
NGUYEN, LE V				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,685

Applicant(s)

BURRELL, BRANDON

Examiner

LE NGUYEN

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 9/28/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to an amendment filed 9/28/07.
2. Claims 1-22 are pending in this application; and, claims 1, 9, 12 and 15 are independent claims. Claims 1-4 and 9-18 have been amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-5, 7-10, 12-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piwonka et al. (US #6,467,038, "Piwonka") in view of *Teach Yourself Web Publishing with HTML 4 in a Week* ("HTML").

As per claim 1, Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a set of BIOS-readable strings to be displayed by the BIOS (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28). Piwonka does not explicitly disclose providing a first escape code within a first string of the set wherein the first escape code provides an indication of at least a portion of the first string that is to be displayed in a first format so that upon encountering and interpreting the first escape code by a display engine, the first format

is determined and the first string with the portion of the first string in the first format is generated for display. HTML teaches providing a tag/first escape code within a first string of the set wherein the first escape code provides an indication of at least a portion of the first string that is to be displayed in a first format so that upon encountering and interpreting the first escape code by a display engine, the first format is determined and the first string with the portion of the first string in the first format is generated for display (pages 123-125, 207-208 and 564-566; e.g. tag/escape code or <U> provides an indication that at least a portion of a first string is to be displayed in a first format such as "**September 26, 1996**" or "Sign Here"). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to change the appearance of text or string so it is somehow different from the surrounding strings.

As per claim 2, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a BIOS-readable cancel escape code within the first string and wherein the portion of the first string between the first BIOS-readable escape code and the BIOS-readable cancel escape code is displayed in the first format (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 564; e.g. *cancel tags/cancel escape codes* "" or "<U>").

As per claim 3, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a BIOS-readable second escape code within the first string of the set wherein the BIOS-readable second escape code provides an indication of at least a portion of the first string that is to be

Art Unit: 2174

displayed in a second format and wherein the portion of the first string between the BIOS-readable first escape code and the BIOS-readable second escape code is displayed in the first format and wherein the portion of the first string after the BIOS-readable second escape code is displayed in the second format (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125; *disclosed are a plurality of tags/escape codes used such as , <U>, </>, etc. and a plurality of formats displayed such as "September 26, 1996", "Sign Here", "Inferno", etc.*).

As per claim 4, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a BIOS-readable third escape code within a second string of the set, wherein the BIOS-readable third escape code provides an indication of at least a portion of the second string that is to be displayed in a third format (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125; *disclosed are a plurality of tags/escape codes used such as , <U>, </>, etc. and a plurality of formats displayed such as "September 26, 1996", "Sign Here", "Inferno", etc.*).

As per claim 5, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is a bold typeface (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 564).

As per claim 7, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is an underlined typeface, the method further comprising displaying the portion of the first string in the

underlined typeface by controlling each bottom row pixel of each character of the portion (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 566).

As per claim 8, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is a first text color and a first background color (HTML: pages 207-208).

As per claims 9 and 10, Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising during power on self-test (POST) or a BIOS SETUP, providing strings including text to be displayed by the BIOS (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format during BIOS SETUP (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28). Piwonka does not explicitly disclose providing escape codes wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format during parsing so that upon encountering and interpreting an escape code by a display engine, various formats are determined so that first and second strings in their respective formats (including bold typeface) are generated for display. HTML teaches providing escape codes/tags within strings of the set wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format so that upon encountering and interpreting the escape codes by a display engine, a first and second format is determined and a first

string with the portion of the first string in the first format is generated for display and a second string with the portion of the second string in the second format is generated for display (pages 123-125, 207-208 and 564-566; e.g. tag/escape code or <U> provides an indication that at least a portion of a first string is to be displayed in a first format such as **"September 26, 1996"** or "Sign Here"). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to change the appearance of text or string so it is somehow different from the surrounding strings.

As per claims 12-14, Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising during power on self-test (POST) or a BIOS SETUP, providing strings including text to be displayed by the BIOS (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format during BIOS SETUP (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28; BIOS displays strings in text as a default mode). Piwonka does not explicitly disclose providing escape codes wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format during parsing so that upon encountering and interpreting an escape code by a display engine, various formats are determined so that first and second strings in their respective formats (including underlined typeface, which are generated by controlling each pixel of a low row of each character of a portion of a string) are generated for display and switching

over to a graphics mode. HTML teaches providing escape codes/tags within strings of the set wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format so that upon encountering and interpreting the escape codes by a display engine, a first and second format is determined and a first string with the portion of the first string in the first format is generated for display and a second string with the portion of the second string in the second format is generated for display (pages 123-125, 207-208 and 564-566; e.g. tag/escape code or <U> provides an indication that at least a portion of a first string is to be displayed in a first format such as “**September 26, 1996**” or “Sign Here” wherein the underlined typeface is generated by controlling each pixel of a low row of each character of the string). Furthermore, since Piwonka's BIOS displays strings in text as a default mode, in order to display strings in formatted mode using tags for formatting text as taught by HTML, it is inherent for the computer to go to graphics mode in order to display the strings and given that it cannot be done in text mode. It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to change the appearance of text or string so it is somehow different from the surrounding strings.

Claim 15 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 7 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 8 and is therefore rejected under similar rationale.

5. Claims 6, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piwonka et al. (US #6,467,038, "Piwonka") in view of *Teach Yourself Web Publishing with HTML 4 in a Week* ("HTML") as applied to claims 5, 10 and 19 respectively, and further in view of Hays et al. (US #4,729,678, "Hays").

As per claim 6, although the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising displaying the portion of the first string in the bold typeface (HTML: pages 123-125 and 564; e.g. *tag/escape code* `` provides an indication that at least a portion of a first string is to be displayed in a first format such as "**September 26, 1996**"), Piwonka does not explicitly disclose the portion of the first string in the bold typeface is displayed by shifting a copy of each character pixel row data by one pixel position and performing a logical OR on each character row data with the shifted copy to control pixels that produce the display of

each character of the portion. Hays teaches a portion of the first string in the bold typeface is displayed by shifting a copy of each character pixel equivalent row data by one pixel equivalent position and performing a logical OR on each character row data with the shifted copy to control pixels, or equivalence thereof, that produce the display of each character of the portion (col. 1, lines 9-16). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of the modified Piwonka in order to provide users with an implementation preference.

Claims 11 and 20 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

Response to Arguments

6. Upon further consideration, applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive.

Applicant argued:

Piwonka and *Teach Yourself (HTML)*, alone or in combination, do not teach, suggest or describe claims 1, 9, 12 and 15 as amended, especially given that HTML tags are conventionally interpreted by a Web browser, which is different from the BIOS. Moreover, the Office Action fails to explain how one of ordinary skill in the art would combine Piwonka with HTML.

The Office disagrees for the following reasons:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Piwonka teaches providing a set of BIOS-readable strings in text to be displayed by the BIOS in a first format during BIOS SETUP (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28), HTML teaches strings containing escape code/markup or tags and displaying them in graphics mode (pages 123-125, 207-208 and 564-566; upon finding the escape code, it (the computer) knows how to display a string – same as markup) wherein switching to graphics mode to display the string is inherent given that it cannot be displayed in text mode.

Furthermore, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, teaching, suggestion, or motivation to do so was found in the reference, i.e. in order to change the appearance of text or string so it is somehow different from the surrounding strings, as explained in the previous Office Action (HTML: pages 123-125, 207-208 and 564-566).

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
January 3, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174